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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JON J. SIMON, an individual,
Plaintiff,

vs.

WELLS FARGO BANK, N.A. and DOES
Individuals 1 to 50, and ROES Corporations
1 to 30, Inclusive,
Defendants.

Case No. 2:09-cv-01529-KJD-GWF

**DEFENDANT'S STATEMENT
REGARDING REMOVAL**

Pursuant to the Court's August 17, 2009 Order Concerning Removal, Defendant Wells Fargo Bank N.A., ("Wells Fargo"), submits the following responsive statement:

1. *The date(s) on which you were served with a copy of the Complaint in the removed action:*

Upon information and belief, Wells Fargo was served with a copy of the complaint on July 15, 2009.

2. *The date(s) on which you were served with a copy of the summons:*

Upon information and belief, Wells Fargo was served with a copy of the summons on July 15, 2009.

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1 3. *In removals based on diversity jurisdiction, the names of any served defendants*
 2 *who are citizens of Nevada, the citizenship of the other parties and a summary of defendant's*
 3 *evidence of the amount in controversy:*

4 Upon information and belief, complete diversity exists as plaintiff alleges that he is a
 5 resident of Nevada and defendant Wells Fargo is a national bank. For diversity jurisdiction
 6 purposes, a national bank is a citizen of the state designated as its main office on its organization
 7 certificate. Accordingly, Wells Fargo is a citizen of South Dakota – the state listed on Wells
 8 Fargo's organization certificate. Because Plaintiff is a citizen of Nevada and Defendant is not a
 9 citizen of Nevada, complete diversity of the parties exists. Furthermore, the Action satisfies the
 10 amount in controversy requirement under 28 U.S.C. § 1332. Plaintiff is claiming more than
 11 \$10,000.00 in compensatory damages and greater than \$10,000.00 in punitive damages as well as
 12 attorneys' fees. In addition, Plaintiff claims title to real property and requests a preliminary
 13 injunction to enjoin a foreclosure sale. Plaintiff's Complaint indicates the house was purchased in
 14 2006 for \$815,000.00 and now has a market value of approximately 50% less (Complaint ¶ 5).
 15 The aggregate amount of Plaintiff's claims, therefore, satisfies the amount in controversy
 16 requirement.

17 4. *If your notice of removal was filed more than thirty (30) days after you first*
 18 *received a copy of the summons and complaint, the reason removal has taken place at this time*
 19 *and the date you first received a paper identifying the basis for removal:*

20 Not applicable.

21 5. *In actions removed on the basis of this Court's jurisdiction in which the action in*
 22 *state court was commenced more than one year before the date of removal, the reasons this*
 23 *action should not summarily be remanded to the state court.*

24 Not applicable.

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1 6. *The name(s) of any defendant(s) known to have been served before you filed the*
2 *notice of removal who did not formally join in the notice of removal and the reasons they did not:*

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4
5 Not applicable

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7 Dated: September 2, 2009

8 SNELL & WILMER L.L.P.

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10 By: /s/Cynthia A. LeVasseur
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13 3883 Howard Hughes Parkway
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16 Attorneys for Defendants WELLS FARGO BANK,
17 N.A.

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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **DEFENDANT'S STATEMENT REGARDING REMOVAL** by the method indicated:

<u> X </u>	U.S. Mail
<u> </u>	U.S. Certified Mail
<u> </u>	Facsimile Transmission
<u> </u>	Overnight Mail
<u> </u>	Federal Express
<u> </u>	Hand Delivery

and addressed to the following:

Jon J. Simon
1265 Vietti Street
Henderson, NV 89102

DATED this 2nd day of September, 2009.

 /s/ Gabriela Resendez
An Employee of Snell & Wilmer LLP